

1 THE HONORABLE RICARDO S. MARTINEZ
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5 IN THE UNITED STATES DISTRICT COURT FOR THE
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 KINSALE INSURANCE COMPANY, a
9 foreign insurer.

10 Plaintiff,

11 v.

12 EVOLUTION SIDE, LLC, a Washington
13 limited liability company and construction
14 contractor; and LAER ENTERPRISES INC., a
15 Washington corporation and construction
16 contractor, KENTON SCHUMACHER, a
17 Washington resident; MADALYN HORN, a
18 Washington resident; JENNIFER LALLY, a
19 Washington resident; BRANDON &
20 MICHELLE CONNOR, Washington residents;
21 MIKE NETTEKOVEN, a Washington resident;
22 NOAH MANN, a Washington resident;
23 STACEY MCGEATH, a Washington resident;
JENNIFER ELLSWORTH-BOESL, a
Washington resident; STORM WENDT, a
Washington resident; DAVID BALDWIN, a
Washington resident; TROY RUNNER, a
Washington resident; TRAVIS REANO, a
Washington resident; DEREK TULLUCK, a
Washington resident; RHONDA AND JEFF
SAWYER, Washington residents; JENNIFER
BROADBENT, a Washington resident; ALI
JONES & JULIO VALDEZ, Washington
residents; JOHN KENNEDY, a Washington

10 No. 2:23-cv-00065-RSM

11 **ORDER GRANTING PLAINTIFF'S
12 MOTION FOR DEFAULT
13 JUDGMENT AGAINST
14 HOMEOWNER DEFENDANTS**

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ORDER GRANTING PLAINTIFF'S MOTION FOR
DEFAULT JUDGMENT – 1

LEATHER LAW GROUP
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1 resident; ALEX CORRAL AND KELSIE
2 TROTIGNON, a Washington resident;
3 RICKY & MADISON HALL, Washington
4 residents; LARRY PAGUE, a Washington
5 resident; JULIE ACHESON, a Washington
6 resident; STEPHEN HANNAN, a Washington
7 resident; ANNIE NAHON, a Washington
8 resident; TEMASWATI JOHNSTON, a
9 Washington resident; AMIR MOUSA VI, a
10 Washington resident; TYLER GOLD, a
11 Washington resident; NOEL TEVES, a
12 Washington resident; TERESA RODMAN, a
13 Washington resident; IVAN NGAUAMO, a
14 Washington resident; ANDREW & DIANE
15 MORTAGNE, Washington residents; BRIAN
16 HELLESTO, a Washington resident;
17 VERNON BRANCO, a Washington resident;
18 JOSHUA & JOHANNA SUMMERS,
19 Washington residents; RON BOCCA, a
20 Washington resident; KELLY ROBINSON, a
21 Washington resident; KEN CUNNINGHAM, a
22 Washington resident; PATRICK BROOKE, a
23 Washington resident; NATE MOWRY, a
Washington resident; TREVOR ANDERSON,
Washington resident; DEBRA SILVER, a
Washington resident; TODD GRIFFEN, a
Washington resident; GARY MAGREEHAN, a
Washington resident; KRISTEN & ALEX
HALL, Washington residents; CALEB
HARRIS, a Washington resident; KIERAN
HUNT, a Washington resident; LINDSEY
CALDERWOOD, a Washington resident;
CATHY KOMBOL, a Washington resident;
REBEKAH ENGEBO, a Washington resident;
GABRIELLA MANCILLA, a Washington
resident; BRIAN AND ANISSA REGO,
Washington residents; KATIE MIKESELL, a
Washington resident; TROY SALISBURY &
JESSICA MATIAS, Washington residents;
GREG & TIFFANY HOPKINS, Washington
residents; RENE LOPEZ RIVERA, a
Washington resident; ETHAN
SCHIERENBECK, a Washington resident;
JUDY PRENOVOST, a Washington resident;

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ORDER GRANTING PLAINTIFF'S MOTION FOR
DEFAULT JUDGMENT – 2

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ALYSSA MERCER, a Washington resident; SETH & CASSIE POHLMAN, Washington residents; TANYA EVANS, a Washington resident; ADAM POHLMAN, a Washington resident; ARDEN BARDEN, a Washington resident; IRIS PALLER-MILNE, a Washington resident; JEFF & KATHERINE POTASKY, Washington residents; RYAN HILDEBRAND, a Washington resident; MIKE & SANDY O'HARA, Washington residents;

Defendants.

This matter came before the Court on Plaintiff Kinsale Insurance Company's (Kinsale) Motion for Default Judgment against Defendants Evolution Side, LLC (Evolution Side) and Laer Enterprises, Inc. (Laer) (hereinafter collectively "Defaulted Defendants"). This Court, having considered the motion and all supporting documents, hereby GRANTS the Motion for Default Judgment and enters Default Judgment against Defaulted Defendants as follows:

Defaulted Defendants are not entitled to any coverage pursuant to the terms and conditions of the following policies of insurance issued to Evolution Side by Kinsale:

- No. 0100093333-0 (effective 08/07/2019 - 08/07/2020)
- No. 0100093333-1 (effective 08/07/2020 - 08/07/2021)
- No. 0100093333-2 (effective 08/07/2021 - 08/07/2022)

for any and all claims for damages associated with the claims asserted against them and/or arising out of the Suntop Farm Project which were or could have been raised in the matter entitled *Laer Enterprises, Inc. v. General Enterprise, Inc., et al.*, King County Superior Court Cause No. 21-2-10435-1 SEA. Kinsale owes no defense or indemnity obligations under the foregoing policies

ORDER GRANTING PLAINTIFF'S MOTION FOR
DEFAULT JUDGMENT – 3

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1 for any claims associated with or arising out of the Suntop Farms Project. The claimants¹ are
2 hereby bound to this Default Judgment

3 IT IS SO ORDERED.

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5 DATED this 6th day of July, 2023.

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7 RICARDO S. MARTINEZ
8 UNITED STATES DISTRICT JUDGE

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10 Respectfully Submitted By:

11 LETHER LAW GROUP

12 /s/ Thomas Lether

13 Thomas Lether, WSBA #18089

14 /s/ Ellen McGraw

15 Ellen McGraw, WSBA #60240
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Counsel for Kinsale Insurance Company

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1 “Underlying claimants” collectively refers to Kenton Schumacher, Mike Nettekoven, Madalyn Horn, Stacey
McGeath, Jennifer Lally, Jennifer Ellsworth-Boesl, Brandon Connor, Noah Mann, Michelle Connor, Storm Wendt,
David Baldwin, Troy Runner, Travis Reano, Derek Tulluck, Rhonda Sawyer, Jeff Sawyer, Jennifer Broadbent, Ali
Jones, Julio Valdez, John Kennedy, Alex Corral, Kelsie Trotignon, Ricky Hall, Madison Hall, Larry Pague, Julie
Acheson, Stephen Hannan, Annie Nahon, Temaswati Johnston, Amir Mousa IV, Tyler Gold, Teresa Rodman, Ivan
Ngauamo, Andrew Mortagne, Diane Mortagne, Brian Hellesto, Janai Hellesto, Vernon Branco, Joshua Summers,
Johanna Summers, Ron Bocca, Kelly Robinson, Ken Cunningham, Patrick Brooke, Nate Mowry, Trevor Anderson,
Debra Silver, Tod Griffen, Gary Magreehan, Kristen Hall, Alex Hall, Caleb Harris, Kieran Hunt, Lindsey
Calderwood, Cathy Kombol, Rebekah Engebo, Gabriella Mancilla, Brian Rego, Anissa Rego, Katie Mikesell, Troy
Salisbury, Jessica Matias, Greg Hopkins, Tiffany Hopkins, Rene Lopez Rivera, Ethan Schierenbeck, Judy Prenovost,
Alyssa Mercer, Seth Pohlman, Cassie Pohlman, Tanya Evans, Adam Pohlman, Arden Barden, Iris Paller-Milne, Jeff
Potasky, Katherine Potasky, Ryan Hildebrand, Mike O’Hara, Sandy O’Hara